Office - Supreme Court, U.S.
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JOHN T. FEY, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957.

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

JURISDICTIONAL STATEMENT

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No.

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

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AS THE INVENTOR WHO FIRST GAVE THE ATOMIC HYDROGEN BOMB FORMULAS TO THE UNITED STATES, PETITIONER PRAYS THAT THE SUPREME COURT REMAND THIS CASE TO THE UNITED STATES ATOMIC ENERGY COMMISSION FOR JUST COMPENSATION AND RECOGNITION.

JURISDICTIONAL STATEMENT

(a) Ref: The United States Court of Appeals, for the District of Columbia Circuit, in Case No. 12959, decided June 13, 1957, that Cornell Joel Grossman,

petitioner *pro se*, "has no valid claim under the Atomic Energy Acts" for compensation as the inventor who first gave the atomic hydrogen bomb formulas to the United States of America. This opinion is appended to this statement.

(b)(i) This is an appeal for compensation, since Appellant did give the atomic hydrogen bomb formulas to the United States Government. This appeal is taken pursuant to Public Laws—CH 724, Aug. 1, 1946, (60 Stat., Sec. 11 (4)), cited as the "Atomic Energy Act of 1946".

(ii) The date of the judgment sought to be reviewed and the time of its entry is June 13, 1957.

The date the Notice of Appeal was filed is July 1, 1957, in the United States Court of Appeals for the District of Columbia Circuit.

(iii) The statutory provision believed to confer on the Supreme Court's jurisdiction of this Appeal is Public Laws—CH 724, Aug. 1, 1946, (60 Stat., Sec. 11 (4)), cited as the "Atomic Energy Act of 1946", and subsequent Atomic Energy Acts.

(iv) Cases believed to sustain the jurisdiction are not known to Appellant because of the secrecy surrounding any prior decisions.

(v) Page 770, Public Laws—CH 724, Aug. 1, 1946, (60 Stat., Sec. 11 (4)), under Payment of Awards (C), and 36 Stat. 1157, worded—

> "The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States."

(c)(1) The questions presented by this appeal are:

1. That Cornell Grossman is the inventor who first gave the Atomic Hydrogen Bomb chemical formulas to the United States Government and that the Government did use his formulas in New Mexico, at Hiroshima, Nagasaki, and all subsequent atomic hydrogen explosions.

2. That the Atomic Energy Commission and the Court, despite the time given, were giving Appellant a predetermined brush-off.

3. That the previous hearings were hostile to a just decision.

4. That the Atomic Energy Commission and previous Court published to all the world Appellant's Atomic Hydrogen Bomb formulas by failure to have a private court hearing where the formula could have been proven, and by the Atomic Energy Commission's failure to keep secret the Appellant's formula.

5. That Appellant's formula was made available to others.

6. That the Docket 17 was not kept in secrecy by the United States Court of Appeals.

7. That the Green Glass, formed from the melted sand in the first atomic bomb detonation, was green because of Appellant's three ingredients, which are used commercially to make glass green, and which are used by nature to make a green sand.

8. That the coloration and the chemical reaction in every atomic hydrogen detonation is identical with Appellant's formula and pathognomic to only Appellant's formula, and the syndrome of the effects on

human beings, and everything else, is found only in Appellant's formula.

9. That Appellant's formula is atomic.

10. That Appellant's formula is in the domain of the United States Atomic Energy Commission.

11. That the Japanese doctor who describes the Nagasaki bomb mentions its resemblance to one of Appellant's ingredients, and identifies, by odor, another chemical that came out of the bomb at Nagasaki.

12. That the death syndrome at Hiroshima and Nagasaki was that of Appellant's atomic poison gas products of the bomb, and the particles in that gas.

13. That Docket 17 is the United States Atomic Hydrogen bombs in formula. Docket 17 is now in the possession of the Clerk of the Supreme Court of the United States. Docket 17 points out that an accidental explosion of one of Appellant's ingredients left a crater of a million cubic feet, and devastation two miles away. That another ingredient left devastation of tremendous proportions in an accidental explosion. That the combining of these two ingredients, with the other ingredients in Appellant's formula, is the Atomic Hydrogen Bomb. That the opposite nature of these two ingredients renders the atomic violence.

14. That before taking Appellant's Request for Compensation, the head of the Patent Compensation Board of the United States Atomic Energy Commission said to Appellant—"I don't want to take this application for compensation, and I won't take it," and had an angry, hostile demeanor to Appellant. That the three judges of the Patent Compensation Board

were hostile to Appellant at the hearing and did not let him properly present the chemicals. That one of the judges of the Patent Compensation Board of the U.S.A.E.C. had been a consultant to General Electric, and the other judge had been with a subsidiary of General Dynamics. That the patent lawyer whom Appellant had tried to engage told Appellant that General Electric wished to maintain a monopoly in the atomic field. That, though it was legal for these men to form the U.S.A.E.C. Patent Compensation Board, the spirit of the United States Atomic Energy Act was violated in that Appellant, as a private inventor, felt that he was against a stone wall of monopoly not intended in the Act.

15. That two of the members of the Patent Compensation Board did not know chemistry, according to the third member, and it was not in the spirit of the Act, which was designed to protect the United States, to have men not qualified to judge technically.

16. Did Colonel Dwight D. Eisenhower receive the atomic hydrogen bomb formulas from Appellant to end World War II quickly in American victory shortly after Pearl Harbor?

17. Did the United States Government and the United States Atomic Energy Commission intercept a letter to the Canadian government written by Appellant? This was intercepted despite the fact that the Atomic Energy Commission gave Appellant the right to sell this bomb formula to Canada, and other nations.

18. That the Supreme Court shall grant a private hearing to Appellant so the public will not learn the Atomic Hydrogen Bombs formulas as they really are.

19. The Atomic Energy Commission and the Appeals Court by their decision are in complete error when they deny all of the true facts hereinbefore mentioned in all of this jurisdictional statement just as they are in error, in complete error, when they deny Appellant's ingredients are in the Kyoto Report.

20. Docket 17 is part of this jurisdictional statement. The U.S.A.E.C. is in complete error and in order not to make this statement voluminous Appellant prays that the hundreds of proofs be omitted so the printers will not see them, and so that he may present them in proper secrecy.

21. All of the text books support the inventor in this. The Appeals Court and the Atomic Commission having denied the hundred proofs in the text books are in error in their prior decisions. Appellant will bring two dozen text books showing he is completely right and truthful in all of this. The Atomic Commission refused to detonate the Appellant's formula which detonation would prove it to be the Atomic Hydrogen Bomb. The Commission also refused to let the Appellant buy the ingredients, and hindered test detonations. Therefor, this appeal should be granted since the spirit of the act is to promote private atomic inventions and help inventors without monopoly except by the Government.

The Supreme Court should grant this prayer to remand the appellant's Atomic-Hydrogen Bomb Invention to the United States Atomic Energy Commission because the Patent Compensation Board Judges were prejudiced possibly by their connections with monopoly, as shown by their endeavor to cut the

Inventor off from stating the chemical formula, judging it to be not atomic even before the appellant stated his chemicals and the hostility manifested by the Judges and the head of the Board.

Most respectfully yours,

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

APPENDIX

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12959

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*,

v.

UNITED STATES OF AMERICA,
UNITED STATES ATOMIC ENERGY COMMISSION,
Respondents.

On reopened petition to review an order of the Atomic Energy Commission following further proceedings before the Commission on remand of the case by this Court.

Decided June 13, 1957

Cornell Joel Grossman, petitioner pro se.

Mr. William W. Fleming, Attorney, Department of Justice, with whom Assistant Attorney General Doub, Messrs. Oliver Gasch, United States Attorney, and Melvin Richter, Attorney, Department of Justice, were on the brief, for respondents.

Before Edgerton, Chief Judge, and Wilbur K. Miller and Danaher, Circuit Judges.

Per Curiam: Petitioner, as his brief tells us, "prays that this court remand the appellant's request for compensation, and recognition, to the United States Atomic Energy Commission, as the inventor who first gave the atomic hydrogen bomb formulas to the United States of America." By our order of February 10, 1956, we remanded the case to the Commission that the petitioner might there seek the administrative relief to which he believes himself entitled. A hearing was accordingly held by the Commission's Patent Compensation Board where

petitioner was afforded an opportunity once again to present his claim in full and to submit his evidence. We are not shown that the Board erred. Its determination that the Petitioner has no valid claim under the Atomic Energy Acts[1] is affirmed.

[1] Sec. 11(e), Atomic Energy Act of 1946, 60 STAT. 755, 769; Sec. 157 and Sec. 189, Atomic Energy Act of 1954, 68 STAT. 919, 947, 955.

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An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
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REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

The reason this claim should not be dismissed is the importance of the Invention of the Atomic-Hydrogen

Bomb, and the Appellant's giving this Invention to the United States Government.

Failure to properly docket this case was due to an inadvertent misunderstanding on the part of the Appellant who is not an attorney, and has no formal legal education.

The Inventor of this Bomb, the Appellant, wrote to the Supreme Court Clerk to waive the printing of these parts of the cases to maintain Bomb Formula secrecy, and was awaiting reply from the Clerk of the Supreme Court, and did not know case should first be docketed.

Appellant will immediately docket this case properly with a writ of certiorari if the Court so desires.

Appellant will comply with Court rules and requirements for printing the parts of this case as required by the Court.

The Supreme Court is now possessed of the record of this case.

No lawyer has been engaged by the Appellant because of the need for secrecy of the formula of the Atomic-Hydrogen Bombs.

The date the Notice of Appeal was filed is July 1, 1957, in the United States Court of Appeals for the District of Columbia Circuit.

Appellant was granted an extension of time and filed this case which was docketed within the extension of time granted by the United States Court of Appeals, District of Columbia Circuit.

And the Justice Department stated that the Circuit Court was in jurisdiction and that the record of the

case was in the jurisdiction of the United States Court of Appeals and possessed the record even if it did lay with the Supreme Court. This was stated in the prior Motion to Dismiss by the Appellee, therefor this was properly decided.

Rule 16, paragraph 1, says the Appellee should have filed within thirty days of the docketing of this case, so that the Motion to Dismiss of the Appellee is past due and too late. However, Appellant feels that due to the great importance of his invention of the Atomic-Hydrogen Bomb and the fact that in the future this Bomb could make or break our great Nation it would not be proper to dismiss this important invention which is this Case No. 578.

If the Supreme Court were to dismiss this case, it would add to the already low morale of the American inventors of military weapons, who have been treated so shabbily in the past and in the present that foreign nations are out-stripping us.

Appellant has experienced this treatment, and this is reason for the Supreme Court not to continue this treatment by dismissing this case.

A few examples of this treatment are reasons why this Court should give a fair hearing to the inventor. These are:

1. Dr. Cornell Grossman spent $20,000 in the fifty-seven days following Pearl Harbor Day to end World War II quickly with this invention and others.

2. Seven skilled men were employed in his invention machine shop to make and deliver a sample of this invention to the Government at Dr. Grossman's expense. The doctor and his men worked day and night.

3. The Atomic-Hydrogen Bomb formulae were given to the National Inventors Council, the proper department of the United States Government to receive this invention. In response to Mr. Jerome Burke's asking Dr. Grossman for more fire power that the army wanted and that the Government would gladly pay for more fire power. Appellant gave the bomb formula to Mr. Burke in these words—"I have an invention of an atomic-hydrogen bomb. It is made up of powerful chemicals of my own combination, and a fistful detonated would destroy the greater part of any city or the city of Washington." Mr. Burke angrily replied that he was busy, and would Dr. Grossman please leave as he had important work to do. Mr. Burke is a nice man, but did not realize that Dr. Grossman was telling him the truth, and when Appellant insisted that the Government receive his formula, Mr. Jerome Burke said to a man, who had just entered the room, "See what we get when we take a man in off the street—here, you write this stuff down." Dr. Grossman dictated the formula to the second man, who wrote it down on a piece of torn-off wrapping paper.

4. Colonel Dwight D. Eisenhower asked Appellant into his Chief of Anti Tank Office. He, like the Inventors Council, said to Dr. Grossman, "The Government will pay you well for more fire power. Can you give me more fire power to get through the German tank armor in North Africa. I am not interested in your inventions for my problem is more important. Can you solve it for me?" In reply I insisted Colonel Eisenhower write down the formulae for my Atomic-Hydrogen bombs, and begged him to let me make one and drop it on Hitler's head to end the war quickly.

Appellant told Colonel Eisenhower the details and basic principles of making Atomic-Hydrogen Bombs, and the exact chemicals to use, and how to use them.

Appellant told Colonel Eisenhower to apply this explosive formula to his problem and it would penetrate any armor and would destroy anything.

Colonel Eisenhower replied, "No, I will pass this on to the proper people."

5. The Millburn, N. J. Zoning Board stated to Dr. Grossman through its speaker at its meeting on January 23, fifty-seven days after Pearl Harbor Day—

> "You say you have an invention that can end the war quickly, and you dare to compare your invention with those of Thomas A. Edison in importance. Who are you to compare yourself with Edison? We don't care if your invention would end the war tomorrow night, your shop is closed because you are violating the zoning ordinance, and we are seeing to it that you stay closed."

This was in reply to Appellant's request to keep his shop open for military inventions because he had one invention that could end the war within five months of Pearl Harbor Day. The Court can see the importance of not continuing this attitude of the Zoning Board of sticking to technicalities.

Appellant's Atomic H Bomb Formula can be used to propel long distance missiles or bullets with or without modification of this combustible, and explosive formula.

6. The Secretary of War at a later date gave the Appellant a receipt for the Prime Formula of these Atomic Hydrogen Bombs.

Patents based on the Action of Atomic Hydrogen were granted to the Appellant about 18 years ago.

Some of the same chemicals found in the fall-out ashes of the March 1, 1954 H Bomb were used in these Patents.

These fall-out ashes are from Appellant's formula.

Green glasses formed from desert sand under first atomic detonation in New Mexico are green from Appellant's ingredients.

No lawyer has been engaged by Appellant because of the need for secrecy of the formula of the Atomic Hydrogen Bombs.

Appellant was not aware that a writ of certiorari was needed, and filed in the manner he did, hoping to avoid exposing the nature of the bomb by printing a writ of certiorari.

The importance of the aforesaid truths would make it a travesty on justice to dismiss this appeal for the minor technicality. Appellant appeals to the inherent equity jurisdiction of this Court to waive this defect of form; grant the Appellant the right to file the writ if the court so desires; and hear the case on the merits.

Respectfully submitted,

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

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OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals for the District of Columbia Circuit

SUPPLEMENT TO REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

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IN THE

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No. 578

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SUPPLEMENT TO REPLY TO MOTION TO DISMISS AND MOTION FOR PERMISSION FOR LEAVE TO FILE A WRIT OF CERTIORARI

Last paragraph of the following Court Order shows an extension of time was granted to the Appellant.

Filed October 25, 1957

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OCTOBER TERM, 1957

No. 12,959

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

ORDER

Upon consideration of appellee's motion to dismiss appellant's appeal to the Supreme Court of the United States, and of appellant's reply, to which appellant has annexed an application to the Supreme Court of the United States for an extension of time to docket his case, it is

ORDERED by the Court that appellant's appeal to the Supreme Court of the United States be, and it is hereby, dismissed, unless petitioner shall show this Court within fifteen days that he has complied with Rule 13 of the Supreme Court of the United States.

Per Curiam.

Dated: October 25, 1957

Item 5 of the following motion shows the Court was in correct jurisdiction and decision.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12,959

CORNELL JOEL GROSSMAN, *Appellant*,

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Appellees*.

MOTION TO DISMISS APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Appellees respectfully move this Court for an order dismissing the appeal noted by appellant herein from the judgment of this Court affirming an order of the Atomic Energy Commission which denied appellant's claim for compensation against the United States under the Atomic Energy Act of 1946, 60 Stat. 755 and the Atomic Energy Act of 1954, 68 Stat. 919. In support of this motion, appellees show as follows:

1. In this action appellant is claiming compensation under the Atomic Energy Acts of 1946 and 1954, 60 Stat. 755 and 68 Stat. 919, for his alleged invention of the formula for the atomic bomb. His claim was denied by the Atomic Energy Commission after hearing by the Commission's Patent Board. The Commission's determination was affirmed by this Court in a *per curiam* opinion dated June 13, 1957.

2. On July 1, 1957, appellant filed in this Court his notice of appeal to the Supreme Court of the United States. Appellees were duly served with copies of this notice.

3. Appellant has failed to comply with Rule 13 of the Supreme Court of the United States in that he has failed

to docket the case "within sixty days after the filing of the notice of appeal."

4. Rule 14(2) of the Supreme Court provides:

> If an appeal which has been noted is not docketed in this court within the time for docketing, plus any enlargement thereof duly granted, the court possessed of the record may dismiss the appeal upon motion of the appellee and notice to the appellant, and may make such orders thereon with respect to costs as may be just.

5. We have been advised by the Office of the Clerk of the Supreme Court that while this Court has forwarded the record in the case to the Supreme Court, the Clerk of the Supreme Court regards this Court rather than the Supreme Court as "possessed of the record" within the intendment of Rule 14(2).

6. In accordance with Rule 14, *supra*, appellees, therefore, respectfully move this Court to dismiss the appeal filed by appellant.

/s/ George Cochran Doub
George Cochran Doub
Assistant Attorney General

/s/ Melvin Richter
Melvin Richter

/s/ William W. Fleming
William W. Fleming

/s/ William A. Klein
William A. Klein

Attorneys,
Counsel For Appellees.

CERTIFICATE OF SERVICE

I hereby certify that on October 10th, 1957, I caused to be served by the United States mail upon Cornell Joel Grossman, 46 Old Short Mills Road, Millburn, New Jersey, appellant herein, a copy of the above Motion to Dismiss Appeal to the Supreme Court of the United States.

/s/ MELVIN RICHTER
Melvin Richter,
Of Counsel for Appellees.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OCTOBER TERM, 1957

October 30, 1957

No. 12,959

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

REPLY TO COURT ORDER

Petitioner complied with Rule 13 of the Supreme Court of the United States on October 25, 1957, and received Docket No. 578.

Thanking this Court for the kindness shown, I am

Most respectfully yours,

CORNELL JOEL GROSSMAN, D.D.S.
Cornell Joel Grossman, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey

The following letter shows the case was in the custody and control of the Court of Appeals.

PATENT COMPENSATION BOARD
OF THE
U. S. ATOMIC ENERGY COMMISSION

June 24, 1957

Dr. Cornel J. Grossman
46 Old Short Hills Road
Millburn, New Jersey

Subject: DOCKET No. 17

Dear Dr. Grossman:

Receipt is acknowledged of your letter of June 14, 1957 with respect to the documents and exhibits used in the Court of Appeals Case No. 12,959. The Patent Compensation Board is not in position to receive the documents and exhibits that are in the custody and control of the clerk of the Court of Appeals.

Very truly yours,

(MRS.) MARGARET H. MELIN
Margaret H. Melin
Acting Clerk

cc: MR. CASPER W. OOMS
MR. JOHN V. L. HOGAN
MR. ISAAC HARTER

The Atomic Energy Act states the security of the United States shall always be paramount in the actions under this act.

Therefore, Appellant wrote the following letter showing that the disclosure of the Appellant's bomb formulas were the essense of his case.

Therefore, printings of the parts of the case in a writ of certiorari or other papers of the case were not in keeping with security.

No reply was received, and appellant awaiting a reply before filing, was not on time.

An acknowledgement of the letter follows:

CORNELL GROSSMAN, DENTIST
46 OLD SHORT HILLS ROAD
MILLBURN, NEW JERSEY

DRexel 6-0006

June 28, 1957.

To The Clerk of the Court
United States Supreme Court
Washington, D. C.

Dear Sir:

From the enclosed copy of a Notice of Appeal that I am mailing today to the Clerk of the United States Court of Appeals you will see that I as the inventor of the Atomic Hydrogen Bombs who gave these formulas to the United States Government just before Pearl Harbor day and at subsequent dates am appealing from the incorrect decision of the District of Columbia Circuit of the United States Court of Appeals.

This case is very different from any ever brought to the attention of your court since it was founded.

This difference is the need for secrecy in the protection of the Government from letting the formula out.

I as the inventor of this secret formula am entitled to the protection of the secrecy of my formula by this Court.

Therefore if I were to go to the printer and have a writ of certiorari printed to do justice to my claim I would have to name the simple ingredients that form the combination of the Atomic Hydrogen Bombs and would therefore be giving it to all the world.

It is therefore imperative that your Court dispense with the printing of Appeals, Briefs, Appendices and the like to maintain the spirit of the United States Atomic Energy Acts,

The Court of Appeals refused my request for secrecy.

It was therefore impossible at the Hearing with the public present to do justice to the explanation of my Bomb Formula.

Had I not considered the United States in its need for secrecy of this Formula at this Hearing and in the printed briefs I could have disclosed my formula and proven it, but the whole world would have had the bombs.

The United States Atomic Energy Commission and the Department of Defense have committed a grave injustice to the Government in making my formula public and by making it available through Docket 17 in the Clerks Office of the United States Court of Appeals where anyone can read the true Formula of the bombs used at Nagasaki and Hiroshima and all test detonations of the United States and its former Allies.

Therefore I pray that this Court treats this Docket 17 with more discretion.

The hearings in this should be with the public absent and possibly some of the formalties in this case lessened,

altered or dispensed with because of the secret nature of the formula.

Thanking you in advance for your kind consideration of these thoughts and feeling that our United States Constitution and other Laws are in this Spirit, I am

Most respectfully yours,

CORNELL JOEL GROSSMAN, D.D.S.

OFFICE OF THE CLERK,
SUPREME COURT OF THE UNITED STATES,
WASHINGTON 13, D. C.

July 2, 1957.

Dr. Cornell Grossman,
46 Old Short Hills Road,
Millburn, N. J.

RE: *Grossman* v. *U. S., et al.*

Dear Sir:

Receipt is acknowledged of your letter of June 28th, enclosing a copy of notice of appeal filed with the Clerk of the U. S. Court of Appeals.

Yours truly,

JOHN T. FEY, *Clerk*
By E. P. CULLINAN
E. P. Cullinan
Deputy.

EPC:tw

Notice of Appeal From Federal Court

CIVIL CASE

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Civil Action No. 12959

CORNELL JOEL GROSSMAN, *Plaintiff*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES.

I. Notice is hereby given that Cornell Joel Grossman, the Appellant above named, hereby appeals to the Supreme Court of the United States from the determination of the United States Court of Appeals for the District of Columbia Circuit, No. 12959, entered in this action on June 13, 1957.

This appeal is taken pursuant to Public Laws—CH 724 Aug. 1, 1946, (60 Stat., Sec. II (4), cited as the "Atomic Energy Act of 1946."

Attached hereto is a copy of a section of this Act.

II. The Clerk will please prepare a transcript of the record in this cause, for transmission to the Clerk of the Supreme Court of the United States, and include in said transcript the following: appeals, brief, appendix, motions, and transcript of the hearing of the appellant and respondent, and the Court's determination. Appellant's Docket 17 in the United States Atomic Energy Commission is the basis for this appeal and it shall be made available to the judges in the

Supreme Court by the United States Atomic Energy Commission and since it discloses the exact formula of the atomic hydrogen bombs, the judges and the Commission shall do this at their discretion. This is respecifically mentioned to the Court in the interest of national security.'

III. The following questions are presented by this appeal:

At Hiroshima and Nagasaki on August 6th and 9th in 1945, did the appellant's invention end World War II quickly?

Were the Appellant's Atomic Chemical Formulas used in the other detonations?

Are the Appellant's Atomic Chemical Formulas in the Province of the United States Atomic Energy Commission to test and accept for compensation and recognition of the Appellant as the Inventor?

Shall this Court remand this case to the United States Atomic Energy Commission for reconsideration?

The following letter shows a step in this appeal to the Supreme Court:

The letter shows a sample of "Radioactive Zircon Ore."

Utilizing Atomic Hydrogen appellant made stone molds from the Synthetic Zircon of his invention about seventeen years ago, and received United States Patents.

The appellant's bomb formula can be modified to propel bullets or missiles a great distance.

It would therefore be in keeping with the policy of encouraging inventors not to dismiss this case.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON 1, D. C.

July 26, 1957.

Joseph W. Stewart
Clerk

No. 12,959—*Grossman* v. *United States of America* and *U. S. Atomic Energy Commission*

Hon. John T. Fey
Clerk
Supreme Court of the United States
Washington 13, D. C.

My dear Mr. Fey:

I have been authorized by this Court to transmit to the Supreme Court the following items filed in the above-entitled case:

Transcript of Record and Exhibits, filed December 15, 1955

Supplemental Record, filed December 19, 1956
Please acknoweldge receipt of the items listed above.

Yours very truly,

JOSEPH W. STEWART,
Clerk.

encls.

CC—Dr. Cornell J. Grossman
46 Old Short Hills Road
Millburn, New Jersey.

P.S.:—The exhibits filed in this Court 12-15-55 consist of:
Periodic Chart of the Atoms
Electromotive Series Table
Atomic Energy Levels—Vol. I (Nat. Bu. Standards Cir. 467)
a sample of "Radioactive Zircon Ore".

J.W.S.

The two following letters show the advanced stage of the case, which is a reason not to dismiss.

Form No. G-18
(Ed. 5-19-55)

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, DDS, *Appellant*

v.

UNITED STATES, UNITED STATES ATOMIC ENERGY COMMISSION

Service of three copies of Jurisdictional Statement is acknowledged this 28th day of October, 1957.

J. LEE RANKIN
J. Lee Rankin
Solicitor General

Original filed in United States Supreme Court

OFFICE OF THE CLERK,
SUPREME COURT OF THE UNITED STATES,
WASHINGTON 13, D. C.

November 20, 1957

Dr. Cornell Grossman
46 Old Short Hills Road
Millburn, N. J.

RE: *Grossman* v. *United States, et al.*
No. 578, October Term, 1957:

Dear Dr. Grossman:

I have received your motion to dispense with the printing of the brief and your motion to dispense with the printing of the record in the above-entitled case.

Under Rule 17, your designation of portions of the record to be printed and motion to dispense with the printing thereof need not be filed and will not be submitted to the Court unless the Court has ruled favorably upon the jurisdictional aspects of your case. The same is true of your motion to dispense with the printing of the brief.

Very truly yours,

JOHN T. FEY, *Clerk*
By E. P. CULLINAN,
E. P. Cullinan,
Deputy.

EPC:ht

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No. 578

In the Supreme Court of the United States

OCTOBER TERM, 1957

CORNELI JOEL GROSSMAN, APPELLANT

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MOTION TO DISMISS

J. LEE RANKIN,
Solicitor General,
Department of Justice,
Washington 25, D. C.

In the Supreme Court of the United States

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, APPELLANT

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MOTION TO DISMISS

Appellees in the above-entitled case move to dismiss the appeal pursuant to Rule 14(2) of the Revised Rules of this Court for the reason that appellant has failed to docket within the time allowed by Rule 13(1), or, in the alternative, to dismiss pursuant to Rule 16(1)(a) of the Revised Rules for the reason that review is not sought in conformity to statute.

1. In this action, appellant claims compensation under Section 11(e), Atomic Energy Act of 1946, 60 Stat. 769, 42 U.S.C. (1946 ed.) 1811(e), now Sections 157 and 189, Atomic Energy Act of 1954, 68 Stat. 947, 955, 42 U.S.C. (Supp. II, 1955), 2187, 2239, for his alleged invention of the formula for the atomic bomb. His claim was denied by the Atomic Energy Commis-

sion after hearing by the Commission's Patent Compensation Board. The Commission's determination was affirmed by the United States Court of Appeals for the District of Columbia Circuit in a *per curiam* opinion dated June 13, 1957 (Juris. St. 1a-2a). 246 F. 2d 709. On July 1, 1957, appellant filed in the United States Court of Appeals for the District of Columbia Circuit a notice of appeal to this Court. This appeal was not docketed in this Court by appellant until October 25, 1957, one hundred and sixteen days after the notice of appeal was filed. No enlargement of time was obtained. Accordingly, appellant failed to comply with Rule 13 of the Revised Rules in that he did not docket the case within "sixty days after the filing of the notice of appeal." Appellees therefore move that this Court dismiss his appeal pursuant to Rule 14(2).[1]

2. The statute under which appellant invokes this Court's jurisdiction of his appeal provides specifically for review by writ of certiorari and not by appeal. Section 11(e)(4), Atomic Energy Act of 1946, 60 Stat.

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[1] An earlier motion to dismiss was filed by appellees in the court below on the mistaken assumption that that court, rather than this Court, was then "possessed of the record" within the intendment of Rule 14(2). On October 16, 1957, appellant filed in the court below a reply to that motion together with an "Application to the Supreme Court of the United States for an Extension of Time to Docket This Case." But the court of appeals had no power to entertain or grant this application since it was presented after "the expiration of the original sixty-day period" prescribed by Rule 13(1). Instead, on October 25, 1957, the court of appeals ordered "that appellant's appeal to the Supreme Court of the United States be, and it is hereby, dismissed, unless petitioner shall show this Court within fifteen days that he has complied with Rule 13 of the Supreme Court of the United States." Since the court of appeals at that time was not "possessed of the record" within the intendment of Rule 14(2), this order of dismissal would appear to be beyond that court's jurisdiction. For that reason we are filing the present motion to dismiss in this Court.

770, 42 U.S.C. (1946 ed.) 1811(e)(4), as amended, Section 189, Atomic Energy Act of 1954, 68 Stat. 955, 42 U.S.C. (Supp. II, 1955) 2239. The appeal taken by appellant cannot be treated as a petition for writ of certiorari, inasmuch as 28 U.S.C. 2103 is expressly limited to appeals taken from state courts and does not extend to the present appeal sought to be taken from a United States Court of Appeals. See *Bradford Electric Co.* v. *Clapper*, 284 U.S. 221, 223-225;[2] Wolfson and Kurland, *Jurisdiction of the Supreme Court of the United States*, § 122 (1951). Accordingly, if this Court does not dismiss this appeal under Rule 14(2), for the reason stated above, then we respectfully submit that it should be dismissed under Rule 16(1)(a) on the ground that appeal does not lie to review the decision below.

Respectfully submitted,

J. LEE RANKIN,
Solicitor General.

NOVEMBER, 1957.

[2] Sections 240 and 237(c) of the Judicial Code, discussed in that case, are now replaced by the provisions in 28 U.S.C. 1254 and 28 U.S.C. 2103, respectively.

☆ U. S. GOVERNMENT PRINTING OFFICE 1957 [illegible]

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner*,

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents*.

An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

AS THE INVENTOR WHO FIRST GAVE THE ATOMIC HYDROGEN BOMB FORMULAS TO THE UNITED STATES, PETITIONER PRAYS THAT THE SUPREME COURT REMAND THIS CASE TO THE UNITED STATES ATOMIC ENERGY COMMISSION FOR JUST COMPENSATION AND RECOGNITION.

PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT

The Government of the United States has presented to the Appellant substantial grounds that this Court should grant a hearing and not dismiss this case.

The Government of the United States through its most scientific and most reliable Patent Office of the United States has rendered a decision that the formula of Cornell Joel Grossman is an atomic military weapon.

This admission on the part of the Government was not heretofore available to the court or to the Appellant.

This admission nullifies the decision of the United States Atomic Energy Commission that appellant's formula was not atomic and not in the domain of the United States Atomic Energy Commission.

On January 9, 1958, The United States Patent Office rendered a decision that the formulae of Dr. Cornell Joel Grossman is an Atomic Military Weapon, and therefore in the domain of the United States Atomic Energy Commission.

In this response the Patent Office states:

> "Claims 1 to 20 are further rejected for containing subject matter barred by the Atomic Energy Act of 1954 as stated in 42 U.S.C. 2181 (Sec. 151)."

These words comprise the last paragraph of Page 3, in Paper 2, response of the United States Patent Office, to Applicant Cornell Joel Grossman, in Patent Application Number 632,001, filed January 2, 1957.

This Patent Application is titled:

> "New Chemical Combination, or Composition Useful as a Military Weapon, Bomb, Explosive for Peaceful Use Poison Gas, Fuel, Propellant, or Source of Atomic Power."

This Patent Application is substantially the same as the Atomic Hydrogen Bombs of the United States made from appellant's formulae, in this case, and therefore it is fitting for this Court to grant this petition.

The following is a quotation from Public Law 703—Aug. 30, 1954, 68 Stat., page 943:

Report of Invention to Commission.

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. MILITARY UTILIZATION.—

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of

Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

"d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications."

The following is a copy of an Order of a Court that has had, or that has, jurisdiction in this case:

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12,959

CORNELL JOEL GROSSMAN, D. D. S., *Petitioner*,

v.

UNITED STATES OF AMERICA,
UNITED STATES ATOMIC ENERGY COMMISSION,
Respondents.

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

ORDER

It appearing that on November 1, 1957, petitioner filed with this Court a reply to the order entered herein October 25, 1957, and in said reply showed that he had complied with Rule 13 of the Supreme Court of the United States. it is

ORDERED by the Court that respondents' motion to dismiss petitioner's appeal to the Supreme Court of the United States be, and it is hereby denied.

PER CURIAM.

Dated: January 6, 1958

This order was received by the Appellant after the Supreme Court decision was made. It is therefore a new reason for the Supreme Court to grant a rehearing of this case.

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

I, Cornell Joel Grossman, Appellant herein, hereby certify that the foregoing petition for a rehearing is presented to the Supreme Court of the United States, in good faith and not for delay.

It is within the discretion of the Court to decide whether or not it wishes a writ of certiorari in view of the decision of the United States Patent Office, that the Appellant's subject is Atomic Energy Matter and therefore shall not be made public by letters patent and shall be subject to Section 151 of the United States Atomic Energy Act.

This petition is restricted to the grounds above specified and to the decision of the United States Court of Appeals.

Both of these substantial decisions were only available to the Appellant after the Supreme Court of the United States made its dismissal order.

(Signed) Cornell Joel Grossman
Address 46 Old Short Hills Road
Millburn, New Jersey.

Subscribed and sworn to before
me this 17th day of Jan., 1958.

Mark T. Oliver

Notary Public of New Jersey
My Commission Expires Feb. 7, 1960

I, Cornell Joel Grossman, Appellant herein, hereby certify that on the 21st day of January, 1958, I served copies of the foregoing PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT, to the Supreme Court of the United States on the several parties thereto, as follows:

1. On the United States, by mailing a copy thereof to the office of William W. Fleming, Attorney, Department of Justice, Washington, D. C., attorney for the United States in this action.

And by mailing a copy in a duly addressed envelope with postage prepaid to the Solicitor General, Department of Justice, Washington 25, D.C.

2. On the Clerk of the Court, United States Supreme Court, District of Columbia Circuit, Washington, D.C. by mailing a copy, postage prepaid.

(Signed) CORNELL JOEL GROSSMAN
Address 46 Old Short Hills Road
Millburn, New Jersey.

Notary Public of New Jersey

Subscribed and sworn to before
me this 17th day of Jan., 1958.

MARK T. OLIVER

Notary Public of New Jersey
My Commission Expires Feb. 7, 1960